S.B.Civil Writ Petition No.924/2007

Pala Ram and another.

vs.

State and others.

Date : 2.7.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.BK Vyas, for the petitioners.
Mr.BS Sandhu, for the respondent no.4.
Ms.RR Kanwar, Addl.GA, for respondent State.

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At the request of learned counsel for the parties, this writ petition is heard and decided finally.

It appears from the facts of the case that the appeal of the respondent no.4 was allowed by the Superintending Engineer, CAD, Hanumangarh vide order dated 25.1.2007. The Superintending Engineer modified the order of the Executive Engineer dated 25.11.2006 which was passed in relation to irrigation facility of petitioner and respondent no.4.

The respondent no.4 has submitted an application before this Court on 3.5.2007 stating that the only

grievance of the petitioner is when the respondent no.4 will irrigate his land, he may disturb the internal water course 'ADD' in killa no.25 of square no.170/171. It is also submitted that the respondent no.4 while taking water to his field by siphon from naka no.171/171.6, he will not disturb or interfere in the internal water course ADD of the petitioner of killa no.25 of square no.170/171 which has been marked as “A” to “B” in map Annexure-R/4-1.

Learned counsel for the respondent further submits that there is no mention of stone numbers but the respondent further agrees that he will not disturb killa no.16 and 25 while irrigating his field.

In view of the above, learned counsel for the petitioner agrees that the petitioner may not have any grievance in view of the undertaking by the contesting respondents.

Consequently, the present writ petition is disposed of in view of the undertaking given by the respondent no.4 and it is made clear that the respondent no.4 shall be entitled to draw water by siphon for which learned counsel for the petitioner submits that the petitioner is agreeable and this siphon shall be at killa no.16 and 25 of square

no.170/171. For reference, the map submitted along with the reply as Annexure-R/4-1 shall be relevant and today in this map, naka nos.16 and 25 are marked as X and Y in the Court and is signed by both the counsels.

(PRAKASH TATIA), J.

S.Phophaliya